

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 10, 2001**

DIVISION ONE

B136114      Lindi Funston                      (Not for Publication)

v.

Hollywood Park, Inc.

The judgment is affirmed.

Spencer, P.J.

We concur:      Vogel (Miriam A.), J.  
                         Mallano, J.

DIVISION TWO

B140312      People                                      (Not for Publication)

v.

Lemons

The judgment is modified to give appellant an additional day of presentence custody credit, for a total of 314 days. The trial court is directed to prepare an amended abstract of judgment in which (1) paragraph 13 sets forth "actual" credit of 314 days and "total credits" of 470 days, (2) paragraphs 9a and 9b set forth restitution fines of \$10,000 imposed pursuant to sections 1202.4, subdivision (b) and 1202.45, and (3) paragraph 9c sets forth a restitution fine of \$10,890 imposed pursuant to section 1202.4, subdivision (f), along with any cash and personal property offsets received by Garcia. A copy of the amended abstract of judgment shall be forwarded to the Department of Corrections. As modified, the judgment is affirmed.

Todd, J.

We concur:      Boren, P.J.  
                         Cooper, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Hastings, J., Curry, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B142997 D.C.F.S. v. Tammi & Jamie B.

B145296 People v. Spears

B142189 People v. Ulloa

B138572 Russell v. Jordan

Argument waived, cause submitted.

B139820      People  
                  v.  
                  Bonner

Merits:

Argued by Martin H. Rub for appellant and by Stephanie A. Mitchell for respondent.

Cause submitted.

B140295      Diaz  
                  v.  
                  Marin

Merits:

Argued by Marvin Nathan Bernstein for appellants and by Paul J. Marin for respondent. Cause submitted.

B135510      Darling, Inc.  
                  v.  
                  Controlled Environments

Merits:

Argued by Richard W. Millar Jr. for appellants and by Steven T. Graham for respondent. Cause submitted.

DIVISION FOUR (Continued)

B144699      Elastic USA  
                 v.  
                 Colonia Versicherung Aktiengesellschaft

Merits:  
Argued by Sassoon Sales for appellant and by Sharon E. Jackson for respondents.  
Cause submitted.

B143317      ONG  
                 v.  
                 Regents of the University of California

Merits:  
Argued by Ralph Rogari for appellant and by Alan R. Zuckerman for respondent.  
Cause submitted.

B140464      Suh  
                 v.  
                 Corsair

Merits:  
Argued by Peter O. Israel for appellants and by Paul Sigelman and Wellington Y.  
Kwan for respondents. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Hastings, J., Curry, J. and Jim Guzman, Deputy Clerk.

B139295      Cremar S.P.A.  
                 v.  
                 S & E Stone, Inc.

Merits:  
Argued by Ted Travis for appellant and by Cynthia R. Hodes for respondent. Cause  
submitted.

DIVISION FOUR (Continued)

B142139      Moca  
                 v.  
                 Moca

Merits:

Argued by Mark J. Warfel for appellant and by Paul H. Samuels for respondent.  
Cause submitted.

B140189      Loof  
                 v.  
                 South Coast Air Quality Management District

Merits:

Argued by Bennett Rolfe for appellant and by Calvin House for respondent. Cause submitted.

B144009      Duker  
                 v.  
                 Boeing Company

Merits:

Argued by Michael J. Faber for appellant and by Barbara E. Johnson for respondent.  
Cause submitted.

B125543      Sepulveda and Galvez  
                 v.  
                 Unterseher and Frields

Merits:

Argued by Marian H. Tully for appellant and by John J. Weber for respondents. Cause submitted.

Court adjourned.

## DIVISION FIVE

B143158 People (Not for Publication)

V.

Tremont Caldwell

The judgment is affirmed.

Grignon, J.

We concur:     Turner, P.J.  
                      Armstrong, J.

B141741 People (Not for Publication)

V.

Gustavo Priego

The judgment is affirmed.

Grignon, J.

We concur:     Turner, P.J.  
                      Armstrong, J.

B136679 Patricia Clayton-Brame (Certified for Publication)

V.

Los Angeles County Department of Health Services

The judgment is reversed. Real party in interest to recover costs.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

## DIVISION FIVE (Continued)

B139597 People (Certified for Partial Publication)  
v.  
Juan Herrera et al

The judgments are modified to state the following: Defendant, Efrén Hernández, is sentenced under count 1, first degree murder, to a sentence of 25 years to life. For personal firearm use, he is to serve a consecutive sentence of 25 years to life. He is to serve an additional three year term by reason of the gang enhancement. As to count 2, he is to serve a consecutive sentence of life in prison with a 15-year minimum term. Under count 2, he is to serve a consecutive term of 25 years to life for firearm use. All sentences are to run consecutive one to another. He is to receive presentence credits of 321 days for time served prior to the imposition of sentence.

Defendant, Juan Gabriel Herrera, is sentenced under count 1, first degree murder, to a sentence of 25 years to life. For firearm use by a principal in the commission of the first degree murder, he is to serve a consecutive sentence of 25 years to life. He is to serve an additional three year term by reason of the gang enhancement. As to count 2, he is to serve a consecutive sentence of life in prison. Under count 2, he is to serve a consecutive term of 25 years to life for firearm use. All sentences are to run consecutive one to another. He is to receive presentence credits of 306 days for time served prior to the imposition of sentence. The judgment is affirmed in all other respects.

Turner, P.J.

|                       |                         |
|-----------------------|-------------------------|
| I concur:             | Willhite, J. (Assigned) |
| I concur and dissent: | Grignon, J. (Opinion)   |

B144562      Los Angeles County, D.C.F.S. (Not for Publication)  
v.  
Sheila J.

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Willhite, J. (Assigned)

## DIVISION FIVE (Continued)

B143340 Los Angeles County, D.C.F.S. (Not for Publication)

V.

Tammy Q. and James Q.

In re Amanda and Sarah Q.

The judgment is reversed.

Armstrong, J.

We concur:      Turner, P.J. (Opinion)

Willhite, J. (Assigned)

B142900 Janice Abner (Not for Publication)

V.

Compton Unified School District et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.

Willhite, J. (Assigned)

B139553      Jeffrey et al.      (Not for Publication)

V.

Smouse, Jr., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.

Armstrong, J.

DIVISION FIVE (Continued)

B142081      Los Angeles County, D.C.F.S. (Not for Publication)  
                 v.  
                 Irma L.

The orders are affirmed. The petition for writ of supersedeas filed on May 7, 2001, is denied as moot.

Willhite, J. (Assigned)

We concur:    Turner, P.J.  
                 Grignon, J.

B140253      Christina Haack  
                 v.  
                 Peter Doyle

Filed order denying petition for rehearing.

B144397      People  
                 v.  
                 Darren Pendleton

Filed order denying petition for rehearing.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B140021 National Union Fire Ins. Co. v. Montgomery  
B140426 Marino V. National Union Fire Ins.

Argument waived, cause submitted.



DIVISION SIX (Continued)

Each of the following:

B143491 Darrow v. McAuliffe  
B137866 Derdiarian v. Unocal

Argument continued to June, 2001.

B141922      Schultz  
                 v.  
                 Schultz

Merits:

Argued by Ricky Schultz appellant in propria persona and by William F. Byers for respondent. Cause submitted.

Perren, J. left the bench.

Coffee, J. assumed the bench.

B136973      LeVine  
                 v.  
                 Weis

Merits:

Argued by Daniel P. Barer for appellants and by Diane Matsinger for respondent. Appellants' counsel allowed to submit additional case citations in writing to the court. Cause submitted.

Court recessed at 9:45 A.M.

Court reconvened at 11:10 A.M.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

DIVISION SIX (Continued)

B141942      People  
                 v.  
                 Redcay

Merits:

Argued by John Doyle for appellant and by Roy C. Preminger, deputy attorney general, for respondent. Oral argument was conducted via teleconference with the assistance of a TDD relay operator. Cause submitted.

Court recessed at 11:35 A.M.

Court reconvened at 1:45 PM

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B137982 People v. Vallier  
B140148 People v. Ortiz  
B142357 People v. Benegas  
B142386 People v. Rendon and Reyes  
B142449 People v. Ballardo  
B142680 People v. Hernandez  
B143497 People v. Brent N.  
B143513 People v. Valdez  
B143524 People v. Hill  
B143779 People v. Andres D.  
B143822 People v. Armstrong  
B144051 People v. Cervantes  
B145544 People v. Mota

Argument waived, cause submitted.

DIVISION SIX (Continued)

Each of the following:

B136409 People v. Chambers

B140934 People v. Walley

Argument continued to June, 2001.

B140458      People  
                  v.  
                  Love and Salone

Merits:

Argued by Dennis A. Fischer for appellant Salone, by Ava Stralla for appellant Love via video conference and by Paul M. Roadarmel, deputy attorney general, for respondent via video conference. Cause submitted.

B141479      People  
                  v.  
                  Magallon

Merits:

Argued by Stephen M. Romero for appellant and by Ronald Jakob, deputy attorney general, for respondent via video conference. Cause submitted.

B142646      People  
                  v.  
                  Smith

Merits:

Argued by Susan P. Stone for appellant and by Sharlene A. Honnaka, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B143948      People  
                 v.  
                 Acosta

Merits:

Argued by George F. Bird for appellant and by Michael R. Johnsen, deputy attorney general, for respondent via video conference. Cause submitted.

B142261      People  
                 v.  
                 Linn

Merits:

Argued by Laini M. Melnick for appellant and by Catherine Okawa, deputy attorney general, for respondent via video conference. Cause submitted.

B142254      People  
                 v.  
                 Ortiz

Merits:

Argued by Janet D. Uson for appellant and by Susan S. Kim, deputy attorney general, for respondent via video conference. Cause submitted.

B134372      People  
                 v.  
                 Mangan

Merits:

Argued by Robert F. Landheer for appellant and by Richard T. Breen, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B140721      People  
                 v.  
                 Leon

Merits:

Argued by Leonard J. Klaif for appellant and by David Cook, deputy attorney general, for respondent via video conference. Cause submitted.

B149722      In re John J.  
                 on  
                 Habeas Corpus

OSC:

Presented by David L. Fisher for petitioner and by Gerald Franklin, deputy district attorney, for respondent. Cause submitted.

B141557      People  
                 v.  
                 Field

Merits:

Argued by Judith Oljey for appellant and by Robert D. Breton, deputy attorney general, for respondent via video conference. Cause submitted.

B141561      People  
                 v.  
                 Manzur

Merits:

Argued by Carol S. Boyk for appellant and by Daniel Rogers, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B141181      People  
                 v.  
                 Quinteros

Merits:

Argued by Martin Kassman for appellant and by Robert D. Breton, deputy attorney general, for respondent via video conference. Cause submitted.

Perren, J. left the bench.

B138265      People  
                 v.  
                 Mooney

Merits:

Argued by Edward A. Hoffman for appellant and by April S. Rylaarsdam, deputy attorney general, for respondent via video conference. Cause submitted.

Court adjourned at 4:45 P.M.